

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
DIVISION OF DRIVER LICENSE ISSUANCE**

**CHAPTER 1340-1-13
CLASSIFIED AND COMMERCIAL DRIVER LICENSES**

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1340-1-13-.01 PURPOSE.

To establish uniform standards and systems for administering Classified and Commercial Driver Licenses, as defined herein, under the provisions of T.C.A. §55-50-101 et seq.

Authority: T.C.A. §§55-50-202, 55-50-322(c) 1 and 2, 55-50-338(a) 5 and (b), and 55-50-410. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.02 DEFINITIONS.

- (1) Applicant means an individual who applies to obtain, transfer, upgrade, renew, or reinstate a driver or photo identification license.
- (2) Cancellation of License means the annulment or termination by formal action of the Department of a person's driver or photo identification license because the licensee is no longer entitled to such license, due to either an error or defect in the license or application, or to a failure to maintain standards of eligibility, as defined by T.C.A. Title 55, Chapter 50.
- (3) Certified Driving Instructor means any person who gives driver training or who offers a course in driver training, and is certified by the Department under 1340-1-6.
- (4) Chauffeur means every person whose primary job duty consists of operating a motor vehicle more than fifty percent (50%) of the time, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.
- (5) Code of Federal Regulations (C.F.R.) means a reference to the most current version issued.
- (6) Commercial Driver License means a license issued by the Department in accordance with the standards contained in 49 Code of Federal Regulation (C.F.R.) §§383 (1992) and 391 (1989) to an individual which gives the authorization to operate a class of commercial motor vehicle.
- (7) Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(Rule 1340-1-13-.02, continued)

- (a) has a gross vehicle weight rating (G.V.W.R.) or gross combination weight rating (G.C.W.R.) in excess of twenty-six thousand (26,000) pounds;
 - (b) is designed to transport more than fifteen (15) passengers, including the driver;
 - (c) is of any size and used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, 49 U.S.C. App. 1801 et seq., and which must be placarded, under the Hazardous Materials Regulations 49 C.F.R. § 172.500 et seq. (1993); or
 - (d) is used as a school bus.
- (8) Commissioner means the Commissioner of the Tennessee Department of Safety.
- (9) Company means a corporation, partnership, joint venture or sole proprietorship, which includes federal, state, county agencies and municipalities.
- (10) Controlled Substance means any substance classified under Section 102(6) of the Controlled Substances Act, 21 U.S.C. §802(6), and includes all substances listed on Schedules I through V, of 21 CYR § 1308 (1985), as they may be revised from time to time.
- (11) Conviction means:
 - (a) an unvacated adjudication of guilt or a determination that a person has violated, or failed to comply with, the law in a court of original jurisdiction or an authorized administrative tribunal;
 - (b) an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;
 - (c) a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost; or
 - (d) a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.
- (12) Department means the Tennessee Department of Safety acting directly or through its duly authorized officers and agents.
- (13) Disqualification means:
 - (a) the suspension, revocation, cancellation, or any other withdrawal by a State of a person's privileges to drive a commercial motor vehicle,
 - (b) a determination by the Federal Highway Administration, under the rules of practice for motor carrier safety contained in 49 C.F.R. § 386 (1991) that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. § 391 (1989) or;
 - (c) the loss of qualification which automatically follows conviction of an offense listed in 49 C.F.R. § 383.51
- (14) Domicile, State of means a person's fixed, permanent, and principal home for legal purposes and to which he/she has the intention of returning whenever he/she is-absent.

(Rule 1340-1-13-.02, continued)

- (15) Driver means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- (16) Driver License means a license issued by the Department, a state or other jurisdiction, to a person which authorizes the person to operate a motor vehicle on the highways.
- (17) Driver Licenses - Classes:
 - (a) Class A. The license which must be issued and valid for the operation of any combination of motor vehicles with a G.C.W.R. in excess of twenty-six thousand (26,000) pounds, provided the motor vehicle or trailers being pulled have a G.V.W.R. in excess of ten thousand (10,000) pounds.
 - (b) Class B. The license which must be issued and valid for the operation of any single vehicle with a G.V.W.R. in excess of twenty-six thousand (26,000) pounds, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.
 - (c) Class C The license which must be issued and valid for the operation of any single vehicle with a G.V.W.R. of twenty-six thousand (26,000) pounds or less or any combination of vehicles with a G.C.W.R. of twenty-six thousand (26,000)-pounds or less. This class applies to vehicles which are required to be placarded for hazardous materials, designed to transport more than fifteen (15) passengers including the driver, or used as school buses.
 - (d) Class D. The license which must be issued and valid for the operation of any single vehicle with a G.V.W.R. of twenty-six thousand (26,000) pounds or less, or any combination of vehicles with a G.C.W.R. of twenty six thousand (26,000) pounds or less, and are not included in the definitions of Class A, B, C or M.
 - (e) Class H. A special class license issued to a minor between fourteen (14) and sixteen (16) years of age and restricted to the operation of a Class D or a Class M vehicle.
 - (f) Class M, The license which must be issued and valid for the operation of a motor driven cycle, or a motorized bicycle as defined in Chapter 1340-1-12.
 - (g) Class P. An instructional permit to allow the operator to drive a particular class of vehicle on an instructional basis only. Issued only in conjunction with another class indicating the class of vehicle(s) which the operator is legally entitled to operate.
- (18) Endorsements mean special authorizations required to be displayed on Class A, B, or C driver licenses which permit the driver to operate certain types of commercial motor vehicles; or special authorization required to be displayed on Class D vehicles to operate the vehicle as a chauffeur.
 - (a) "Double/Triple." The endorsement required on a commercial class license to permit the licensee to operate a vehicle authorized to pull more than one (1) trailer.
 - (b) "Hazardous Materials." The endorsement required on a commercial class license to permit the licensee to operate a vehicle required to be placarded for transporting hazardous materials as defined in the Hazardous Materials Transportation Act, 49 U.S.C. App. 1801 et seq., and by 49 C.F.R. § 177.500 et seq. (1993).
 - (c) "Cargo Tank." The endorsement required on a commercial class license to permit the licensee to operate a vehicle which is designed to transport, as its primary cargo, any liquid or gaseous

(Rule 1340-1-13-.02, continued)

materials within a tank which is either permanently or temporarily attached to the vehicle or the chassis, with the tank having a designed capacity of one thousand (1,000) gallons or more.

- (d) "Passenger." The endorsement required on a commercial class license to permit the licensee to operate a vehicle designed to transport more than fifteen (15) passengers, including the driver. Passenger capacity is determined by the manufacturer's design, or legal modification, whichever is greater.
 - (e) "School Bus." The endorsement required on a commercial class license to permit the licensee to operate a vehicle being used as a school bus.
 - (f) "For-Hire." The endorsement required to permit a licensee to operate a Class D vehicle as a chauffeur.
- (19) Felony means any offense under State or Federal law that is punishable by death or imprisonment for a term exceeding one (1) year.
 - (20) Fraud means deceit, trickery, misrepresentation, or subterfuge.
 - (21) Gross Combination Weight Rating (G.C.W.R.) means the value specified by the manufacturer as the maximum loaded weight of a combination (articulated) vehicle. In the absence of such value specified by the manufacturer, G.C.W.R. will be determined by adding the Gross Vehicle Weight Rating of the power unit and the total weight of the towed unit and any load thereon, or the registered weight rating.
 - (22) Gross Vehicle Weight Rating (G.V.W.R.) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle, or the registered weight rating.
 - (23) Hazardous Materials means the term as defined under 49 U. S.C. §§ 1801, 1802, and 1803.
 - (24) Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
 - (25) Intrastate Commerce means any trade, traffic, or transportation within the geographical boundaries of any State.
 - (26) Interstate Commerce means any trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State, including a place outside of the United States, or is between two (2) places in a state through another State or a place outside of the United States.
 - (27) License means driver license or photo identification license.
 - (28) Minor means any person who has not attained the age of eighteen (18) years.
 - (29) Motor Vehicle means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways or any other vehicle required to be registered under the laws of this State, but does not include any vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.
 - (30) Nonresident means every person who is not a resident of Tennessee.
 - (31) Operator means every person who drives, or who is in actual physical control of, a motor vehicle upon a highway, or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(Rule 1340-1-13-.02, continued)

- (32) Passenger means any individual who is not the driver of, but who is carried, transported or otherwise moved on or in, a motor vehicle.
- (33) Person means every natural person, firm, co-partnership, association, or corporation.
- (34) A Photo Identification License means a license issued for identification purposes only, and which grants no authorization to operate any motor vehicle.
- (35) Recreational Vehicle means every motor vehicle primarily designed as temporary living quarters for recreational camping or travel, as defined in American National Standards Institute (ANSI) Standards A 119.2 and A 119.5. The basic entities are: travel trailer, camping trailer, truck camper, motor home, and park trailer.
- (36) Representative Vehicle means a motor vehicle which represents the type of motor vehicle that an applicant operates or expects to operate.
- (37) Resident means every person that makes Tennessee their state of domicile, or lives in Tennessee for a period of time exceeding thirty (30) days, has taken employment or would qualify as a registered voter.
- (38) Revocation of Driver License means the termination by formal action of the Department of a person's driver license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Department after the expiration of at least one (1) year after the date of revocation, and after all statutory and regulatory requirements for reinstatement have been met.
- (39) School means any educational entity serving to satisfy the compulsory attendance requirement as defined by T.C.A. §49-6-3001.
- (40) School Bus means every motor vehicle designed to pick up and discharge children on highways in order to transport them to or from school or school-related activities, and which vehicle is operated for compensation.
- (41) Secretary means the Secretary of Transportation of the United States.
- (42) Serious Traffic Violation means both criminal and civil convictions, when operating a commercial motor vehicle, of
 - (a) excessive speeding, involving any single offense for an), speed of fifteen (15) miles per hour or more above the posted speed limit;
 - (b) reckless driving, as defined under T.C.A. §55- 10- 205;
 - (c) improper passing/improper or erratic traffic lane changes;
 - (d) following too closely;
 - (e) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or injury to any person or property; or

(Rule 1340-1-13-.02, continued)

- (f) any other violation of a state or local law, ordinance, or resolution relating to motor vehicle traffic control, other than a parking violation, which the Secretary determines pursuant to 49 C.F.R. 383.5 (1993) to be serious.
- (43) State means a State of the United States and the District of Columbia.
- (44) Suspension of Driver License means the temporary withdrawal by formal action from the Department of a person's driver license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the Department, not to exceed six (6) months for any first offense except as provided otherwise under law.
- (45) United States means the fifty (50) States and the District of Columbia.
- (46) Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- (47) Violation means the same as conviction as defined under 1340-1-13-.02.

Authority: T.C.A. §§39-11-106, 55-50-102, 55-50-202, 55-50-410, 55-50-601, 21 C.F.R. §1308 (1985), 49 C.F.R. §§172 (1993), 383 (1992), 386 (1991), and 391 (1989), 21 U.S.C §802, 49 U.S.C §1802 and 1803, and Title XII, Public Law 99-5 70, §§12009 and 12019. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.03 LICENSE CLASSIFICATIONS.

- (1) An original classified/commercial driver license shall be issued to any qualified applicant for the purpose of legally operating a commercial and/or non-commercial motor vehicle. No person shall have more than one (1) driver license.
- (2) Requirements for determining the driver license classification are as follows:
 - (a) Class A (Commercial) - Required for any person who operates a combination vehicle with a G.C.W.R. in excess of twenty-six thousand (26,000) pounds; provided the vehicle being towed is in excess of ten thousand (10,000) pounds G.V.W.R.
 - 1. Persons holding a valid Class A license may operate Class B, and Class C vehicles as long as any required endorsements appear on the license, and Class D vehicles, but not Class M vehicles unless this class is also issued in conjunction with the Class A license.
 - (b) Class B (Commercial) - Required for any person who operates a single vehicle with a G.V.W.R. in excess of twenty-six thousand (26,000) pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds G.V.W.R.
 - 1. Persons holding a valid Class B license may also operate any vehicle for which a Class C license is required if the required endorsements appear on the license, or any Class D vehicle but not Class M vehicles unless this class is also issued in conjunction with the Class B license. Class B license holders are not entitled to operate Class A vehicles.
 - (c) Class C (Commercial) - Required for any person who operates a single vehicle with a G.V.W.R. not in excess of twenty-six thousand (26,000) pounds, when the vehicle is required to be placarded for transportation of hazardous materials, designed to transport more than fifteen (15) passengers, including the driver, or used as a school bus.

(Rule 1340-1-13-.03, continued)

1. Persons holding a valid Class C license may also operate Class D vehicles, but not Class M vehicles unless this class is also issued in conjunction with the Class C license. Class C license holders are not entitled to operate Class A or Class B vehicles.
- (d) Class D (Non-Commercial) - Required for any person who operates a single vehicle with a G.V.W.R. not in excess of twenty-six thousand (26,000) pounds, or a combination vehicle with a G.C.W.R. not in excess of twenty-six thousand (26,000) pounds, except vehicles in Classes A, B, C or M or vehicles which require a special endorsement unless the proper endorsement appears on the license.
- (e) Class H (Non-Commercial) - Restricted license issued to a minor at least fourteen (14) years of age but not yet sixteen (16) years of age, only in cases of family hardship and limited to a specific need.
 1. A person holding a valid Class H license may operate Class D or Class M vehicles only.
 2. Valid only for daylight hours and for travel to pre-authorized locations specified on license attachment.
 3. If the holder of the Class H license is at least fifteen (15) years of age, the Class H license may be used as an instructional permit for Class D vehicles, as long as all other requirements pertaining to the appropriate Class P license are met.
- (f) Class M (Non-Commercial) - Required for any person who operates motorcycles as defined in Chapter 1340-12-1. May be issued in conjunction with another class of license i.e., Class AM.
- (g) Class P (Commercial/Non-Commercial) - Required for any person who is learning to operate a particular class of vehicle on an instructional basis only.
 1. Issued only in conjunction with another license class, and must indicate the other class of vehicle(s) the applicant is legally entitled to operate.
- (3) An original photo identification license shall be issued to any qualified applicant for identification purposes only with no authorization to operate any motor vehicle.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-336, 55-50-312, 55-50-401, 55-50-404, 55-50-410, 49 C.F.R. §383 (1992), and Title MI, Public Law 99-570, §§12005, 12009, and 12019. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.04 ENDORSEMENTS.

- (1) Special endorsements are required by law for the operation of certain motor vehicles. Endorsements do not stand alone, but are issued only in conjunction with a classified license to those who are found eligible pursuant to 1340-1-13-.08.
- (2) Endorsements may be added or removed upon initial application for a license, as well as at any time during a renewal cycle.
- (3) Endorsements issued by the State of Tennessee are required as follows:
 - (a) Double/Triple Trailers (T) - Required for operation of a commercial motor vehicle authorized to pull more than one (1) trailer;

(Rule 1340-1-13-.04, continued)

- (b) Hazardous Materials (H) - Required for operation of a commercial motor vehicle which is required by federal law to be placarded for hazardous materials;
- (c) Cargo Tank (N) - Required for operation of a commercial motor vehicle that transports, as its primary cargo, any liquid or gaseous materials within a tank permanently or temporarily attached to the vehicle or chassis, when the tank has a designed capacity of one thousand (1,000) gallons or more,
- (d) Cargo Tank and Hazardous Materials (X) - Required for operation of a commercial motor vehicle requiring both the cargo tank and the hazardous material endorsement;
- (e) Passenger (P) - Required for operation of a commercial motor vehicle designed to transport more than fifteen (15) passengers including the driver;
- (f) School Bus (S) - Required for operation of a commercial motor vehicle designed to pick up or discharge children on a highway in order to transport them to or from school or school-related activities, and operated for compensation; or
- (g) For-Hire (F) - Required of a chauffeur for operation of a Class D vehicle. Not required for persons holding Commercial Driver Licenses.

Authority: T.C.A. §§55-50-102, 49 C.F.R. § 383 (1992), and 49 U.S.C.A. 2701 et seq. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.05 INSTRUCTIONAL PERMITS.

- (1) A Class P license is an instructional permit issued only in conjunction with another class indicating the class of vehicle(s) which the operator is legally entitled to operate.
- (2) Applicants for a Class PA, PB, PC, or PD license must meet all requirements of the particular class license for which they are applying, except for the demonstration of driving skills. Applicants for a Class PM license must meet requirements specified in 1340-1-12.
- (3) Students learning to drive a Class D vehicle are not required to obtain a Class PD license if all conditions specified in 1340-1-13-.07(1)(d) are satisfied.
- (4) Conditions under which holders of Class P license are permitted to operate motor vehicles are as follows:
 - (a) A Class PD license holder shall be permitted to operate a Class D vehicle whenever accompanied by a driver licensed for at least one (1) year to drive a Class D vehicle, who is at least twenty-one (21) years old, fit and capable of exercising physical control over the vehicle, and occupying a seat beside the driver; provided further that:
 - 1. If the Class PD holder is a minor, the accompanying adult must be a parent, stepparent, guardian, or certified driving instructor who is fully responsible and liable for any property damage and personal injury caused by the action of the minor while operating a Class D vehicle; and
 - 2. If all conditions necessary for a minor to operate a Class D vehicle with a Class PD license are met, holders of a Class H license shall be entitled to the Class PD privileges.

(Rule 1340-1-13-.05, continued)

- (b) A Class PM license holder shall satisfy the requirements specified in 1340-1-12 in order to operate a Class M vehicle.
 - (c) While operating a commercial motor vehicle, holders of Class PA, PB, or PC licenses shall be accompanied at all times by a driver who holds a valid C.D.L. for the class of commercial motor vehicle being operated, who has operated that class of vehicle for at least one year, who is at least twenty-one (21) years of age, who is fit and capable of exercising physical control over the vehicle, and who is occupying a seat beside the driver.
- (5) A Class P license expires one (1) year from the date of issuance.

Authority: T.C.A. §§55-50-102, 55-50-304, 55-50-311, 55-50-323, 55-50-337, 55-50-338, and 49 C.F.R. §383.23 (1992). **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-06 PHOTO IDENTIFICATION LICENSES.

- (1) Applicants for photo identification license may be of any age, and:
 - (a) Must show proof of their identity and proof of their date of birth;
 - (b) If a resident of Tennessee, hold no other class of license; and
 - (c) If under the age of eighteen (18), must satisfy the additional requirements specified in 1340-1-13-.13(1)(a).
- (2) Photo identification licenses expire and may be renewed in the same manner as other class licenses, except;
 - (a) No late fees apply;
 - (b) If the licensee is over sixty-five (65) years of age, the license does not have an expiration date, but will continue to be valid until canceled or replaced; and
 - (c) If the applicant furnishes proof of mental retardation or of a physical disability, the Department may issue a permanent photo identification license which does not have an expiration date, but will continue to be valid until canceled or replaced.
- (3) Any applicant who does not have, or who states that the applicant has never been issued a social security number required by T.C.A. § 55-50-321(c)(1)(A), shall complete an affidavit, under penalty of perjury, affirming that the applicant has never been issued a social security number, shall provide either an original or a certified copy of one of the following:
 - (a) A birth certificate issued by Tennessee or another state or a possession, territory or commonwealth of the United States; or
 - (b) Documentation issued by the United States Immigration and Naturalization Service acceptable to the department.

Authority: T.C.A. §§55-50-102, 55-50-202, 55-50-323, and 55-50-336. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996. Amendment filed October 22, 2002; effective January 5, 2003.

1340-1-13-.07 EXEMPTIONS FROM CLASSIFIED AND COMMERCIAL LICENSING.

(Rule 1340-1-13-.07, continued)

- (1) Driver licenses are not required for drivers who operate the vehicles described below, under the conditions specified for each:
 - (a) Any member of the armed forces, reserves, and national guard while operating a motor vehicle owned or leased by any branch of the armed services of the United States;
 - (b) Any person while driving or operating any road machine, farm tractor, or implement of husbandry operated or moved on a highway for the purposes of conducting agricultural or construction operations;
 - (c) Nonresidents at least sixteen (16) years old who have in their immediate possession a valid driver license issued by their home state or country, provided that the out of state license is equivalent to the class license required in Tennessee, and provided that thirty (30) days after residency is established, a Tennessee class license is obtained; and
 - (d) Students pursuing driver training course in a public school or a private secondary school approved by Tennessee's Commissioner of Education or by a recognized regional or national accrediting agency, or in a duly licensed commercial driver training school, provided that:
 1. the student is operating a Class D motor vehicle bearing the school's identification, and is accompanied at all times by an instructor certified and registered by the Tennessee Department of Education.
- (2) Commercial driver licenses are not required for drivers who operate the vehicles described below, under the conditions specified for each:
 - (a) Vehicles which are controlled and operated by a farmer or nurseryman that are used to transport either agricultural products, farm machinery, or farm supplies to or from a farm or nursery, and are not used in the operations of a common or contract motor carrier and are used within one hundred fifty (150) miles of the person's farm or nursery;
 - (b) Vehicles designed and used solely as emergency vehicles which are necessary for the preservation of life or property, or the execution of emergency governmental functions performed under emergency conditions and not subject to normal traffic regulation. This exemption shall apply to vehicles operated by paid or non-paid personnel;
 - (c) Vehicles of the United States Department of Defense when operated by military personnel on active duty, members of the Reserves and National Guard on active duty including personnel on full-time National Guard duty, personnel on part-time training and National Guard military technicians or civilians who are required to wear military uniforms and are subject to the code of military justice;
 - (d) Vehicles designed and used primarily as recreational vehicles as defined in 1340-1-13-.02; or
 - (e) Vehicles leased strictly and exclusively to transport personal possessions or family members for non-business purposes.
- (3) Drivers who operate the vehicles described in subpart (2) above must comply with all requirements specified elsewhere in 1340-1-13-.03 and 1340-1-13-.04 for a Class D license with the proper endorsement.

(Rule 1340-1-13-.07, continued)

- (4) For up to six (6) months, non U.S. citizens who are employed in managerial or technical positions in this State may operate under a valid driver's license issued by another state, country, or international body.

Authority: T.C.A. §§55-50-102, 55-50-304, 49 C.F.R. §383 (1992), and Title XII, Public Law 99-570, §12013.

Administrative History: Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.08 GENERAL ELIGIBILITY STANDARDS.

- (1) To be eligible to apply for any Tennessee driver license, identification license, or instructional permit, applicants are required to be a resident of Tennessee.
- (2) If an applicant is found to be eligible to apply for a license, before that license is issued, all requirements regarding the proper submission of an application must be satisfied, all vision, knowledge and/or skills tests necessary must be passed, and all appropriate fees and fines must be paid.
- (3) To be eligible to apply for commercial classes, endorsements, and instructional permits, applicants must meet the following standards:
 - (a) Age - applicants must be at least twenty-one (21) years of age, except that:
 1. Persons nineteen (19) years of age shall be permitted to apply for a Class A or B license, provided that until they reach the age of twenty-one (21) they shall be restricted to operating vehicles which do not require special endorsements, solely in intrastate commerce, within one hundred (100) miles of the driver's place of employment or home terminal.
 2. Persons eighteen (18) years of age shall be permitted to apply for Class B license, provided that until they reach the age of twenty-one (21) they shall be restricted to operating vehicles which do not require special endorsements, solely in intrastate commerce, within one hundred (100) miles of the driver's place of employment or home terminal.
 - (b) Physical and mental standards - Unless otherwise specified in 1340-1-13-.09, applicants shall meet the physical and mental standards as specified in 49 C.F.R. § 391.41 (1989).
 - (c) Driver license status - Applicants' privilege to drive shall not be under disqualification, suspension, cancellation, revocation, or denial in this or any other state.
- (4) To obtain any endorsement required to be added to a commercial driver license in order to operate a specific commercial motor vehicle, the applicant must meet the same standards specified for Classes A, B, C, PA, PB, and PC, except that:
 - (a) Applicants for the Cargo Tank (N) endorsement shall have at least one (1) year previous driving experience in a representative vehicle class for which the endorsement is required;
 - (b) Applicants for the School Bus (S) endorsement shall have at least five (5) years of unrestricted licensed driving experience.
 1. Those employed by public school systems shall present or have on file with the Department a current certificate of eligibility issued by the local school system; and, upon renewal, shall have attended all required in-service training.

(Rule 1340-1-13-.08, continued)

2. Those employed by private school systems shall present or have on file with the Department a letter verifying their employment.
- (5) Applicants for Class D licenses must meet the following standards:
 - (a) Age - Applicants must be at least sixteen (16) years of age, provided that applicants under eighteen (18) years of age shall fulfill all additional requirements specified in 1340-1-13-.13 for the licensing of minors.
 - (b) Physical and mental standards - Applicants must be physically and mentally capable of safely operating a motor vehicle as stated in 1340-1-13-.09.
 - (c) Driver license status - Applicants' privilege to drive shall not be under suspension, cancellation, revocation, or denial in this or any other state.
- (6) Applicants for a Class PD license shall meet the same standards specified above for Class D, except that applicants shall be at least fifteen (15) years of age; further, those under eighteen (18) years of age shall fulfill all additional requirements specified in 1340-1-13-.13(1)(b) and (c) for the licensing of minors.
- (7) To obtain the For-Hire (F) endorsement, required to be added to the Class D license for persons hired to drive as chauffeurs, the applicant must meet the same standards specified for Class D, except that applicants shall be at least eighteen (18) years of age.
 - (a) Persons sixteen (16) years of age shall be permitted to apply for the For-Hire endorsement provided that the vehicle the applicant is hired to drive is owned by the applicant's family business to conduct deliveries of goods and products exclusively for such family business.
- (8) Applicants for Class M and Class PM licenses must meet the eligibility standards specified for Class D, except as provided for in 1340-1-12.
- (9) Applicants for Class H licenses must meet the same eligibility standards specified for Class D in subpart (5) above, except that:
 - (a) Applicants shall be between fourteen (14) and sixteen (16) years of age;
 - (b) Applicants shall demonstrate good cause justifying to the Department's satisfaction that undue hardship would result if such license were not obtained; and
 - (c) Applicants shall not have to meet the requirements specified in 1340-1-13-.13(d).

Authority: T.C.A. §§55-50-202, 55-50-301, 55-50-302, 55-50-303, 55-50-404, 55-50-410, 49 C.F.R. §383 (1992), and Title VI, Public Law 99-570, §§12005 and 12009. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.09 MENTAL AND PHYSICAL STANDARDS.

- (1) Any person about whom the Commissioner or his or her designee has good cause to believe would not be able, because of physical or mental disabilities, to operate a motor vehicle in compliance with rules of the road as set forth in T.C.A. Title 55, Chapter 8 is prohibited from being eligible for licensing, except that:

(Rule 1340-1-13-.09, continued)

- (a) Any person who has been previously adjudged to be afflicted with or suffering from any mental disability or disease including substance abuse, who has at the time of application been restored to competency by court order, order from the superintendent of the mental facility, or other such method provided by law, must apply through the Driver Improvement Section to receive a clearance/reinstatement order to present as part of his or her application; and
 - (b) In cases where the Department receives a report regarding a license holder's mental or physical fitness pursuant to 1340-1-4-.05, the licensee shall be eligible to apply for a license only after meeting all requirements contained in that subsection as evidenced by the presentation of an approval letter from the Department.
- (2) In addition, applicants for non-commercial driver licenses, and applicants for commercial driver licenses exempted from the federal standards by subparagraph (3) shall meet the following minimum physical and mental standards:
 - (a) Applicants who have physical disabilities that can be compensated for by the use of physical controls or mechanical devices which enable the applicant to safely operate a motor vehicle may be licensed if they meet all other appropriate eligibility criteria and pass the skills tests set forth in 1340-1-13-.15 in vehicles where such controls or devices are operational and are noted on the license as a restriction as specified by 1340-1-13-.20.
 - (b) Applicants who are hearing impaired shall be restricted to the operation of vehicles equipped with left and right outside rear-view mirrors.
 - (c) Applicants who suffer from uncontrolled epilepsy (also known as a seizure disorder), momentary lapses of consciousness or control may apply after remaining "lapse free" (seizures have stopped) for a period of one (1) year upon the Department's receipt of a medical statement from a physician specializing in neurology or neurosurgery. However, after a "lapse free" period of six (6) months, applicants may be authorized to take an examination upon the Commissioner's or the Department's receipt of a medical statement and with approval of the Medical Review Board and or Department of Safety authorized officer.
- (3) Applicants for commercial driver licenses shall meet the minimum physical and mental standards set forth in 49 C.F.R. § 391 (1989), except for those specifically exempted therein who are not required to have the Passenger, School Bus, or Hazardous Materials endorsement. If exempted and not required to have the Passenger, School Bus, or Hazardous Materials endorsement, applicants are required instead to meet the general physical and mental eligibility standards set forth in subparagraphs (1) and (2) of this section.
- (4) Applicants for commercial driver license involved only in intrastate commerce who do not meet the standards set forth in 49 C.F.R. § 391 (1989), may be eligible for special licenses restricting their operation of a commercial motor vehicle as follows:
 - (a) Those restricted to special intra-city zones shall present a medical card stating: "Medically unqualified unless driving within an exempt intra-city zone."
 - (b) Those meeting all medical standards except for being an insulin dependent diabetic, who do not need H or P endorsements, are eligible to apply if for three (3) years prior to May, 1990, they were continuously employed as a commercial motor vehicle operator, and they had no serious traffic violations, no periods of disqualification, and no reportable "at fault" accidents.
 - (c) Those meeting all medical standards except for distant visual acuity, if such persons have one eye meeting the standards of 49 C.F.R. § 391.41(b)(10) (1989) and do not need the H or P

(Rule 1340-1-13-.09, continued)

endorsements, are eligible to apply if they meet the same standards specified for insulin dependent diabetics in (4)(b).

- (d) Those meeting all standards set forth in (4)(c) above may be permitted to apply for the H endorsement if they present a certified letter from their company that they meet the standards of 49 C.F.R. § 391.71 (1989).

Authority: T.C.A. §§55-50-202, 55-50-303, 55-50-410, 55-50-411, 55-50-505, and 49 C.F.R. §§383 (1992), 390 (1989), and 391 (1989). **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.10 VISION STANDARDS.

- (1) Applicants for commercial driver licenses shall pass a vision test with the minimum qualifications as specified in 49 C.F.R. §391 (1989) unless they are exempted from meeting federal physical and mental standards by 1340-1-13-.09. If exempt, they shall meet the general vision standards set forth below.
- (2) Operators of non-commercial vehicles shall pass the general vision requirements if their visual acuity is at least 20/40 (Snellen) or better, each eye separately, and both eyes together.
- (3) Applicants for either commercial or non-commercial licenses who fail to meet the applicable vision screening requirements shall be provided an eye specialist form to be completed by a licensed ophthalmologist or optometrist of their choice.
- (4) Applicants for non-commercial licenses who present a completed eye specialist form shall pass the vision tests under the following conditions:
 - (a) Applicants with 20/60 (Snellen) or better, each eye separately and both eyes together, shall pass with or without corrective lenses. These applicants shall be restricted to driving motor vehicles with both left and right outside rear-view mirrors.
 - (b) Applicants with 20/40 (Snellen) or better, one eye (other eye 20/60 to blind), shall pass with or without corrective lenses. These applicants shall be restricted to driving motor vehicles with both left and right outside rear-view mirrors.
- (5) Applicants able to meet the vision standards only with corrective lenses shall be restricted to operating motor vehicles only when such lenses are worn.

SUMMARY

<u>Visual Acuity</u>	<u>Restrictions</u>
20/40 or better - - right eye and left eye	None (unless corrective lenses are needed to achieve visual acuity)
20/40 or better one eye	* Corrective lenses (if applicable)
20/60 to blind other eye	Outside rear-view mirrors
20/60 or better - - right eye and left eye	* Corrective lenses (if applicable)
	Outside rear-view mirrors

*NOTE: These persons shall be required to supply the eye statement provided by the Department and completed by a licensed ophthalmologist or optometrist.

Applicants failing to meet any of the above standards shall be failed

(Rule 1340-1-13-.10, continued)

- (6) Low Vision Guidelines (Bioptic Lens and/or Telescopic Lens Wearer). Applicants for Class D, PD, or H licenses who are handicapped by low vision acuity, but who otherwise qualify for a driving privilege may be licensed under the following guidelines:

(a) Qualifications:

1. The applicant shall have acceptable mobility.
 - (i) Other than vision, the applicant shall not be impaired in the movement of the eyes, head or neck,
2. The applicant shall be free of all mental impairments.
3. Prior to application, the bioptic wearer shall complete training in driving with a bioptic telescopic lens(es) from a driving instructor certified in this field.

(b) Requirements:

1. The applicant shall have a visual acuity of at least 20/200 with the best conventional non-telescopic corrective lens(es), and a full visual field.
 - (i) The central field vision loss shall not exceed five (5) degrees.
2. The applicant's visual acuity with the bioptic telescope shall be at least 20/60.
 - (i) The power of the bioptic telescope shall not exceed four power (4x).
 - (ii) The bioptic telescopic lens(es) may be fit either monocularly or binocularly, but shall be located superior to the normal line of gaze.
3. The applicant shall have a horizontal visual field diameter of no less than one hundred fifty (150) degrees without the use of field expanders.
4. The applicant shall present certification of having completed training in the use of a bioptic telescope for driving purposes.
 - (i) This certification shall be obtained from an optometrist or ophthalmologist identified by a recognized professional organization as one especially qualified in the field of Low Vision care or,
 - (ii) from a Certified Rehabilitation Person.
5. The applicant shall present certification of having completed a certified driver education course. This course must have been completed while the applicant was wearing the bioptic telescopic lens(es).
6. The applicant shall present a report from the Low Vision specialist on a form supplied by the Department which contains the following information:
 - (i) Patient's vital data;
 - (ii) Date the system was dispensed;

(Rule 1340-1-13-.10, continued)

- (iii) Complete information regarding the visual requirements outlined above;
 - (iv) Diagnosis of the visual condition and an apparent date of onset; and
 - (v) A statement concerning the stability of the condition (progressive, stable, or undetermined).
 - 7. This report shall not be written until the applicant has used the system at least sixty (60) days, and shall have been conducted within six (6) months of the date of the application.
 - 8. From the initial report date, the applicant shall re-submit annually an updated report.
 - (i) if there has been a change in stability, a re-examination may be required.
- (c) Types of restrictions:
 - 1. Listed below are restrictions that may or may not be required. Restrictions shall not be limited to the following, but shall include any other restriction deemed necessary by the doctor of the licensee or the advisory board for low vision acuity.
 - (i) Daylight driving only
 - (ii) Fifty (50) m.p.h. maximum speed
 - (iii) Outside rear-view mirrors (left/right)
 - (iv) Certain area and time restrictions
 - (I) Occasionally because of a visual defect and its observed affect on the driving performance, restriction may be necessary to a certain area or time.
 - (v) No interstate driving
 - 2. Basic training requirements:
 - (i) The minimum training requirements for wearers of bioptic telescope lens(es) shall include the following:
 - (I) Locating stationary objects within the telescopic field of view, by aligning the object directly next to the telescopic lens(es), and then moving his/her head and his/her eyes simultaneously to see the object with the telescope.
 - (II) Locating a moving object in a large field of vision by anticipating future movement, so that by moving his/her head and eyes in a coordinated fashion he/she can locate the moving object within the telescopic field.
 - (III) Training in brief visual exposure with the deviation of exposure diminished constantly to simulate short-looking time while driving.
 - (IV) Experiencing riding as a passenger in a motor vehicle and also walking, so that he/she has actually experienced moving while objects are changing position.

(Rule 1340-1-13-.10, continued)

- (ii) Training in the use of bioptic-telescopic lens(es) does not entitle the wearer to a driver license. It only assists him/her to qualify on the vision portion of the testing.

Authority: T.C.A. §§55-50-202, 55-50-322, 55-50-410, and 49 C.F.R. §391.41 (1989). **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.11 APPLICATION REQUIREMENTS.

- (1) Applicants for commercial driver licenses, non-commercial driver licenses, instructional permits and photo identification licenses shall complete in full an application prior to the issuance of such licenses.
 - (a) Each application shall be signed and certified by the applicant.
 - (b) Any required attachment to an application is considered a subpart of the application.
 - (c) Persons renewing their driver license or photo identification license who present a renewal notice generated by the Department are not required to complete an application unless there are substantial changes in the license to be produced, such as a name change or the modification of a license class or endorsement requiring an examination.
- (2) Each application shall state: full legal name; date and place of birth; sex; race; county of residence; current legal residential address; height; weight; hair color; eye color; social security number; questions pertaining to the financial responsibility laws and to physical conditions; and any other information the Department may require to determine the applicant's identity, competency, and eligibility.
 - (a) The Commissioner or his or her designee may waive the requirement for the social security number to appear on the application for non-commercial licenses.
- (3) Applicants shall present positive proof of date of birth and identity, and verification of additional items as shall be required, including social security number and change of name. Acceptable primary identification and verification documents shall include but not be limited to those specified in 1340-1-13-.12.
- (4) Applicants shall submit with their application the appropriate fee for the license, including any required endorsement fees and a non-refundable application fee.
- (5) Applicants shall surrender any license in possession at the time of application, except for out-of-state identification cards.
- (6) Applicants under eighteen (18) years of age must also fulfill the requirements specified in 1340-1-13-.13.
- (7) Applicants for commercial driver licenses shall satisfy such additional requirements as set forth by the Secretary in 49 C.F.R. § 383 (1992).

Authority: T.C.A. §§55-50-312, 55-50-321, 55-50-336, 55-50-406, 55-50-02, and 49 C.F.R. §383 (1992). **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.12 PROOF OF DATE OF BIRTH, RESIDENCY AND IDENTIFICATION.

(Rule 1340-1-13-.12, continued)

- (1) The Driver License Examiner will require positive proof of date of birth, residency, and identification of any person applying for any class of driver license or photo identification license.
- (2) Acceptable primary identification will include original or certified documents with full name and date of birth, such as the following items as approved by the Department of Safety:
 - (a) Certified/Original Birth Certificate
 - (b) Military Identification
 - (c) Valid passport or Resident Alien Card
 - (d) Out-of-State License/Another Country's License
 - (e) Marriage License/Certificate
 - (f) Federal Census Record
 - (g) Applicant's Own Child's Birth Certificate
 - (h) Adoptive Decree
 - (i) Legal Change of Name (as recorded in court decree)
 - (j) Military Discharge (for separation from service)
 - (k) Any confirmation of date of birth in court of law
 - (l) Immigration & Naturalization Service documentation
 - (m) Social Security Number Verification
 - (n) Any other documentary evidence which confirms to the satisfaction of the Department the true identity and date of birth of the applicant.
- (3) If the Department has reason to question the authenticity of any document provided, the Department shall confirm the authenticity of the document(s). If the document(s) cannot be authenticated to the satisfaction of the Department, the document(s) shall not be accepted.
- (4) In addition to the primary identification, verification of the Social Security Number is required for applicants for commercial driver licenses and may be required for applicants for other classes of driver or photo identification licenses. Acceptable verification includes original, computer generated or typed documents containing the Social Security Number such as:
 - (a) Social Security Card itself, not metal or plastic replicas
 - (b) Out-of-State Driver License
 - (c) Military Records: IDEA, Assignment orders, DD-214, Selective service card
 - (d) Social Security Print Out
 - (e) IRS Forms and W-2 Forms

(Rule 1340-1-13-.12, continued)

- (f) Health Insurance Card
 - (g) Medicaid/Medicare Cards
 - (h) Computer Printouts of Bank Statements, and Saving Account Statements
 - (i) Work ID's
 - (j) Computerized Check Stubs
 - (k) Union Membership Cards.
- (5) The following documents are acceptable for name changes:
- (a) Certified or original Marriage Certificate
 - (b) Certified Court Order
 - (c) Certified Divorce Decree
 - (d) Military Identification
 - (e) Any other documentary evidence which confirms to the satisfaction of the Department the applicant's name change.
- (6) The following document is required for gender changes:
- (a) A statement from the attending physician that necessary medical procedures to accomplish the change in gender are complete.
- (7) An applicant seeking to obtain a driver license upon initial issuance shall provide acceptable proof of residency which shall consist of providing two (2) documents including, but not limited to, the following, which must include the applicant's name or the name of the applicant's spouse, if the applicant has a spouse, or if the applicant is a minor, the name of a parent or legal guardian:
- (a) Utility bill, including telephone service, showing a valid Tennessee residence address;
 - (b) Bank Statement showing a valid Tennessee residence address;
 - (c) Rental contract or receipt showing a valid Tennessee residence address;
 - (d) Employer verification acceptable by the Department;
 - (e) Automobile, Life, or Health Insurance Policies showing a valid Tennessee residence address;
 - (f) Driver License issued by State of Tennessee to a parent, legal guardian or spouse;
 - (g) Tennessee motor vehicle registration showing a valid Tennessee residence address;
 - (h) Internal Revenue Service Tax Reporting W-2 form;

(Rule 1340-1-13-.12, continued)

- (i) Receipt for personal or real estate taxes paid within the last year showing a valid Tennessee resident address;
 - (j) In the case of a student enrolled in a public or private education institution in this state, the student may provide a photo student I.D. and documentation acceptable to the Department that the student resides on campus.
- (8) Should an applicant be unable to provide two (2) of the documents described in paragraph 7, the applicant may provide acceptable proof of residency by providing one (1) of the documents listed in paragraph 7 and one (1) of the following:
- (a) The Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service resulting from the submission of a Form W-7 to the Internal Revenue Service;
 - (b) Form I-94 issued to the applicant by the Immigration and Naturalization Service;
 - (c) Employment authorization document (E.A.D.) issued to the applicant by the Immigration and Naturalization Service (INS);
 - (d) I-551 issued to the applicant by the Immigration and Naturalization Service (INS).

Authority: T.C.A. §§55-50-202, 55-50-321, and 49 C.F.R. §383.153 (1992). **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996. Amendment filed August 27, 2001; effective December 28, 2001. Amendment filed May 7, 2002; effective September 27, 2002.

1340-1-13-.13 LICENSING MINORS.

- (1) When applying for a driver or photo identification license, applicants under the age of eighteen (18) must also fulfill the following additional requirements:
- (a) If applying for a photo identification license, the applicant must submit a certified birth certificate and have a parent or legal guardian sign an affidavit and submit proof of their own identity.
 - (b) If applying for any type of license or instructional permit other than a photo identification license, the applicant must submit an affidavit signed by an adult verifying the applicant's identity and certifying they are willing to assume on behalf of the minor the obligations imposed upon drivers by state law.
 - 1. Obligations an adult must be willing to assume include not only financial responsibility, for which proof of insurance must be filed, but also liability for any negligence, willful misconduct, or violation of any motor vehicle law.
 - 2. Persons who may sign the affidavit and who may certify their willingness to assume responsibility for the minor's actions are as follows: a parent, a step-parent residing in the same household, a legal guardian, or a spouse, if the spouse is capable of legally entering into a contract. In the event there is no parent, step-parent, legal guardian, or spouse, another adult capable of legally entering into a contract and willing to assume financial responsibility may perform these actions.
 - (i) If the responsible adult later wishes to be relieved of financial responsibility for the minor, the adult must file a notarized request. Upon receipt, the Department will cancel the license of the minor. Once the license is canceled, all liability is relieved for that particular adult.

(Rule 1340-1-13-.13, continued)

- (ii) A minor may submit to the Department proof of his or her own financial responsibility, which would relieve the responsible adult of financial liability as long as proof is maintained; however, the minor's affidavit will need to be signed by a parent, stepparent, legal guardian, or spouse.
- (c) Minor applicants for instructional permits or driver licenses must present verification that they are currently enrolled in school; have already graduated from a secondary school; have obtained their general education equivalency degree (G.E.D.); or are excused from these requirement due to circumstances beyond their control as approved by a representative from the Tennessee Department of Education.
 - 1. Verification shall consist of the student's diploma, G.E.D. certificate, or a standard form provided by the Department and signed by the local attendance teacher or superintendent.
 - 2. If a minor is applying for reinstatement of driving privileges lost due to a single withdrawal from school, he or she must submit documentation of compliance signed by the local attendance teacher or superintendent; for second or subsequent withdrawals, the minor may not reinstate until age eighteen (18), at which time only proof of age will be required.
- (d) Applicants under eighteen (18) years of age may obtain a Class D license only if, in addition to meeting all other requirements, the applicant has met one of the following requirements:
 - 1. Applicant has possessed an instructional permit (Class PD) or a hardship license (Class H) for at least three (3) months prior to issuance of a driver license;
 - 2. Applicant has satisfactorily completed a driver education course offered by a public school, public institution of higher learning, or a commercial driver training school operating under 1340-1-6, as long as the driver education course satisfies the minimum standards set forth in 0520-1-3-.05(6)(c) and in the Driver Traffic Safety Education curriculum framework approved by Tennessee's State Board of Education, or
 - 3. Applicant has been licensed to drive in another state for at least three (3) months.

Authority: T.C.A. §§49-6-3017, 55-50-312, and 55-50-336. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.14 FEES.

- (1) Fees required for licenses consist of a nonrefundable application fee and the license fee itself, but may also include late fees and/or a fee for special funds such as the Motorcycle Rider Safety Fund. Fees for a duplicate license or a change of information may be charged instead of the license fee, depending upon how much time remains before the license expires.
- (2) The application fee which is charged depends upon whether a commercial, noncommercial, or motorcycle license is sought, is nonrefundable whether a license is issued or not, and is required whenever an application is required to be completed.
- (3) The license fee which is charged depends upon the class(es) of licenses issued and the applicant's age; is refundable if the applicant does not satisfy the licensing requirements, and is required when initially obtaining a license, and thereafter whenever renewing or reinstating the license.

(Rule 1340-1-13-.14, continued)

- (4) License fees are calculated by determining the appropriate issuance period as specified in 1340-1-13-.17 and then prorated to reflect the appropriate fee for an issuance period greater or less than five (5) years.
- (5) If a license needs to be reissued as provided for in 1340-1-13-.19 (duplicates, changes of information), the proper fee to charge depends upon how many duplicate licenses have been previously issued during the current renewal cycle, as well as how close the license is to expiring:
 - (a) If more than twelve (12) months are left before the license is due to expire, the applicant will be charged the proper duplicate or change of information fee.
 - (b) If six (6) to twelve (12) months remain before the license expires, the applicant has the option to renew the license with the full license fee, or to keep the same expiration date by paying the duplicate license fee.
 - (c) If less than six (6) months remain when the license is reissued, the full license is renewed with the full license fee charged.
- (6) Commercial upgrade fees are charged whenever an applicant wishes to upgrade a Class C license to a Class A or B, Or a Class B license to a Class A license within his or her current renewal cycle, which is defined as any period of time when more than twelve (12) months remains before the expiration date. If upgrading occurs within the last twelve (12) months, but before the last six (6) months, the applicant has the option to renew the license with the full license fee. If within the last six (6) months, the applicant shall renew rather than upgrade.
- (7) The Motorcycle Rider Safety Fund fee is collected whenever an applicant applies for a Class M license when the application process requires a test as specified in 1340-1-13-.15.
- (8) Late fees are added to other fees whenever the driver license or instructional permit has expired more than the period of time allowed by law, unless the Department deems the delay was unavoidable. Late fees shall not be applied to photo identification licenses.
- (9) Permanent photo identification licenses as defined in 1340-1-13-.06 are issued and replaced at no cost to the applicant.
- (10) Fees for restricted licenses are based upon the type of conviction as evidenced by the court order.

Authority: T.C.A. §§55-50-321, 55-50-323, and 55-50-406. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.15 EXAMINATIONS.

- (1) All original applicants for commercial or non-commercial licenses shall pass vision, knowledge, and skills tests before the license is issued. Applicants seeking to obtain an instructional permit shall pass vision and knowledge tests before the permit is issued. Tests may include:
 - (a) A vision test with the minimum qualifications as stated in 1340-1-13-.10.
 - (b) A knowledge test passed by answering at least eighty percent (80%) of the questions correctly. Test format may be written, oral, visual, or any combination thereof.

(Rule 1340-1-13-.15, continued)

1. All such examinations given to persons under eighteen (18) years of age shall be written, except any person with a medical condition, certified by a physician, which would render a written examination impractical, or except any disabled child, including the learning disabled, certified by an educational specialist as unable to be tested by written methods, may be given an oral examination.
 2. Any cheating on a required examination will result in an automatic failure.
- (2) Applicants for commercial licenses must successfully complete all examinations set forth by 49 C.F.R. § 383 (1992) unless eligible for waivers from knowledge, skills, and/or vision tests as established by the Secretary.
 - (3) The required knowledge and skills tests may be waived for a non-resident who establishes residency in the State of Tennessee, as long as the driver license issued by the former state has not expired for a period which exceeds six (6) months, and is not subject to suspension, revocation or cancellation.
 - (a) Except that in accordance with 49 C.F.R. § 383 (1992), such applicants for commercial licenses wishing to retain their Hazardous Materials endorsement shall be required to pass this knowledge test before being issued the endorsement and;
 - (b) Applicants for commercial licenses wishing to retain their School Bus endorsement shall be required to pass the school bus knowledge test before being issued this endorsement.
 - (4) The required knowledge and skills tests may be waived for persons applying for reinstatement of a canceled, suspended, or revoked driver license as long as the license has not been expired in excess of five (5) years.
 - (5) All drivers licensed by the State of Tennessee who are on active duty in the United States armed forces and assigned outside the State of Tennessee may renew their licenses without further examination unless such application is made more than five (5) years from the date of separation on the DD-214, or reassignment back to the State of Tennessee.
 - (6) To retain the Hazardous Materials endorsement, applicants for commercial licenses must successfully complete the appropriate endorsement test(s) upon each renewal period.
 - (7) The Department may establish contracts with third parties to conduct the licensing examinations, as specified in 1340-1-13-.22.

Authority: T.C.A. §§55-10-403(d)(1), 55-50-321, 55-50-322, 55-50-338; 49 C.F.R. § 383 (1992). **Administrative History:** Original rule-filed April 8, 1996; effective August 28, 1996.

1340-1-13-.16 FRAUDULENT APPLICATIONS.

- (1) The giving of false information on an application for a driver license, instructional permit or photo identification license, will result in the suspension of the license.
 - (a) Any required attachment to the application is considered a subpart of the application.
- (2) Any person engaging in the acts above would be guilty of a criminal offense, and subject upon conviction to incarceration and fines.

Authority: T.C.A. §§55-50-321, 55-50-01, 55-50-602, and 55-50-603. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

(Rule 1340-1-13-.17, continued)

1340-1-13-.17 EXPIRATIONS AND RENEWALS.

- (1) Driver licenses are generally valid for five (5) years, expiring on the applicant's nearest birthdate forward from the date of application evenly divisible by five (5) except that:
 - (a) Licenses shall not be issued for less than three (3) years nor more than seven (7) years;
 - (b) If the applicant is under eighteen (18) years of age and is applying for a Class D or M license, then the license shall expire on the applicant's twenty-first (21st) birthday;
 - (c) A Class P license is valid for one (1) year only, calculated as twelve (12) calendar months forward from the date of application, except that the Class PM shall expire on the applicant's sixteenth (16th) birthday;
 - (d) A Class H license shall expire on the applicant's sixteenth (16th) birthday;
 - (e) Licenses issued to people who are in or who enter the military and who are stationed outside the State of Tennessee are valid as long as they remain in the service or until they are reassigned to a duty station within Tennessee. Upon separation, discharge or reassignment back to Tennessee, the licensee has sixty (60) days to renew the license without penalty. During this period, the license is valid only when carried with discharge or separation papers.
 - (f) A restricted license shall be issued for one year.
- (2) Photo identification licenses are generally valid for five (5) years, expiring on the applicant's nearest birth date forward from the date of application evenly divisible by five (5) except that:
 - (a) issuance periods for applicants older than eighteen (18) years of age but less than sixty-five (65) years of age shall not be shorter than three (3) years nor longer than seven (7) years;
 - (b) Issuance periods for applicants under eighteen (18) years of age shall be for two (2) years;
 - (c) Photo identification licenses issued to those who have attained the age of sixty-five (65) shall not have an expiration date and will continue to be valid until canceled or replaced; and
 - (d) Permanent photo identification licenses issued to persons qualified under 1340-1-13-.06 (3) are valid for the licensee's lifetime unless canceled or replaced.
- (3) Licenses may be renewed twelve (12) months before the expiration date.
- (4) Requirements for renewal consist of submitting an application designed by the Department; paying required fees and (if applicable) fines; completing any examination required by State law or by rules promulgated by the Secretary; and, unless exempt by law, rule or policy, having one's picture made. Except that the following persons holding a non-commercial license shall be exempt from examinations and from appearing for photographs:
 - (a) Persons in foreign countries employed by religious organizations or other organizations qualified by Internal Revenue Service regulations as charitable organizations, as well as their family members, may renew their licenses by submitting to the Department a certificate issued by a doctor of medicine certifying they are physically qualified to drive a motor vehicle, along with a notarized letter of confirmation from a person of authority in their organization;

(Rule 1340-1-13-.17, continued)

- (b) Military personnel and their dependents stationed outside the State of Tennessee may renew their licenses by submitting to the Department a notarized copy of the front and back of their military identification, or a notarized copy of a letter from the member's commanding officer which confirms the status, out of state tour of duty, and, for dependents, relationship to the applicant; and
 - (c) Those persons deemed by the Department to have an unavoidable reason preventing them from returning to the State of Tennessee for their renewal shall submit evidence satisfactory to the Department.
- (5) To renew a license which has expired, the following requirements must be satisfied:
 - (a) If a license has expired more than thirty (30) days and up to six (6) months, an additional five dollar (\$5.00) penalty shall be required unless the Department determines that the delay was caused by reasons beyond the applicant's control, except that drivers licensed by the State of Tennessee who are on active duty in the United States Armed Forces shall have sixty (60) days from the date of separation on the DD-214 or from the date of reassignment back to the State of Tennessee before the five dollar (\$5.00) penalty is charged.
 - (b) A ten dollar (\$10.00) penalty shall also be required unless the Department determines the delay was caused by reasons beyond the applicant's control, if a license has expired longer than six (6) months, but less than five (5) years, or for military personnel, if the date of separation on the DD-214 or the date of reassignment back to Tennessee has been longer than six (6) months, but less than five (5) years.
 - (c) If a license has expired more than five (5) years, or for military personnel, if the date of separation on the DD-214 or the date of reassignment back to Tennessee has been longer than five (5) years, in addition to paying the ten dollar (\$10.00) penalty, renewal applicants must successfully complete all examinations normally required for original, first time applicants.
- (6) The primary obligation to maintain a valid license rests with the licensee.

Authority: T.C.A. §§55-50-333, 55-50-33 7, and 55-50-338. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.18 CONTENTS AND DESIGN OF LICENSES.

- (1) Upon payment of the required fees the Department shall issue to every qualified applicant a driver license indicating the type or general class of vehicles the licensee may drive, or a photo identification license indicating the license is for identification purposes only and not valid for vehicular use.
- (2) Each driver license or photo identification license issued shall contain the following:
 - (a) The name of this State and a distinguishing number-,
 - (b) The applicant's full, legal name, date of birth, and current residential street address (or post office box number if the applicant has no bona fide residential street address);
 - (c) A brief physical description of the applicant, including sex, height, and eye color for photo licenses, and race, sex, height, weight, hair color, and eye color for non-photo licenses;
 - (d) The dates the license was issued and will expire;

(Rule 1340-1-13-.18, continued)

- (e) Restrictions and/or conditions which apply to the licensee;
 - (f) Organ/tissue donor information; and
 - (g) Either the facsimile of the applicant's usual signature or a space upon which the licensee shall write the licensee's usual signature with pen and ink.
- (3) Special requirements in addition to those specified in subpart (2) include the following:
- (a) commercial driver licenses shall show the applicant's social security number;
 - (b) duplicate driver licenses and photo identification licenses shall note that the license is a duplicate of an original license;
 - (c) photo identification licenses shall have printed prominently thereon the following statement: "FOR IDENTIFICATION PURPOSES ONLY, NOT VALID FOR VEHICULAR OPERATION"; and
 - (d) any driver license or photo identification license issued to someone less than twenty-one (21) years of age shall identify the licensee as being under twenty-one (21) years of age by prominently bearing the words and numbers "Under 21" and showing the month and year the licensee will become twenty-one (21) years of age.
 - (e) if the applicant requests in writing that the social security number be displayed on the license pursuant to T.C.A. § 55-50-331(b)(2)(C), the department shall display the nine-digit number on the license in an appropriate location. If the applicant, having provided a social security number to the department, does not request in writing that the social security number be displayed on the license, a phrase substantially similar to "ON FILE" shall be printed in an appropriate location on the license. If the applicant does not have, or who states that the applicant has never been issued a social security number required by T.C.A. § 55-50-321(c)(1)(A), the applicant shall complete an affidavit, under the penalty of perjury, affirming that the applicant has never been issued a social security number. A phrase substantially similar to "NONE PROVIDED" shall be printed in an appropriate location on the license. Such phrases shall be in red or other distinctive lettering.
- (4) All driver and photo identification licenses shall bear a color photograph of the applicant furnished by the Department, or bear an endorsement that no photograph is required. Persons sixty (60) years of age or older may elect to obtain a non-photo bearing license.
- (5) No license shall be considered valid unless it bears the applicant's photograph (or endorsement that no photograph is required) and the applicant's signature or facsimile of signature.
- (6) To the maximum extent practicable all licenses issued shall be tamper resistant.
- (7) Records of the photo driver and identification licenses as issued shall be maintained by the Department.

Authority: T.C.A. §§55-50-202, 55-50-321, 55-50-323, 55-50-331, 55-50-334, 55-50-335, 55-50-336, and 55-50-407. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996. Amendment filed October 22, 2002; effective January 5, 2003.

1340-1-13-.19 CHANGES OF INFORMATION, DUPLICATES.

- (1) In the event a license is lost, stolen, or destroyed, the license holder may obtain a duplicate license.
- (2) License holders may obtain a revised license reflecting changes in personal information shown on the license including name, address, date of birth, physical description, social security number, and organ/tissue donor status.
- (3) License holders are required to notify the Department of any address or name changes within ten (10) days of the change. Obtaining a new license showing change in address is not required.
- (4) Applications for revised or duplicate licenses must be made in person with:
 - (a) confirmation of proof of identity-, and
 - (b) documentation of changes (other than those needed to correct clerical errors) in a licensee's name, date of birth, or gender as set forth in 1340-1-13-.12.
- (5) The license being replaced may not be suspended, canceled, or revoked.
- (6) The previous license must be turned in, or the Department must be satisfied that the license being replaced was lost, stolen, or destroyed.
- (7) In the event the license is lost, stolen or destroyed while the licensee is outside the State of Tennessee or otherwise unable to appear in person, an immediate family member or a person with a limited power of attorney may be authorized by the license holder to apply for a temporary license on the licensee's behalf, provided that the authorized person submits satisfactory proof of the licensee's identity; furnishes satisfactory proof of his or her identity and further provided that there are no changes to be made regarding the licensee's personal information.
- (8) Duplicate licenses shall be issued to correct or replace previous licenses to those licensees who have more than twelve (12) months remaining before their license expires. If over six (6) but less than twelve (12) months remain, the applicant has the option to renew. If less than six (6) months remain, the applicant must renew his or her license.
- (9) If personal information is changed at the time of renewal, the fee for change of information shall be waived.

Authority: T.C.A. §§55-50-323, 55-50-332, and 55-50-333. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.20 RESTRICTIONS.

- (1) The Department shall, whenever good cause appears, impose restrictions suitable to the applicant's driving ability to assure the safe operation of a motor vehicle by the applicant. Restrictions include driving conditions, vehicle type and/or equipment, time, and place.
- (2) When a restriction has been imposed, the physical aids or mechanical control devices shall be on the person or attached to the vehicle during the driving test and at a times when the person is driving. No test will be given unless the restrictions are met by the applicant and/or his or her vehicle.
- (3) Restrictions may be added or removed upon initial application for a license, as well as at any time during a renewal Cycle.

(Rule 1340-1-13-.20, continued)

- (4) The restrictions shall be printed under the space on the driver license designated "restriction," and shall include but not be limited to the following codes:

Code: All Driver License Classes

Number	Condition	Comment
01	Corrective Lenses	To meet vision standards
02	Automatic Transmissions	Due to physical disabilities
03	Knob-on Steering Wheel/Power Steering	Due to physical disabilities
04	Outside Rear-view Mirrors	Hearing or visual impairments
10	Daylight hours only	For night blind persons or for certain restricted licenses
11	Custom Controls	Due to physical disabilities
12	Seat Cushion	Due to seat configuration
14	Insulin-dependent Diabetic	Statement from medical doctor must be maintained on file
15	Special Restriction Order	Limitations specified as to times and locations traveled
16	Ignition Interlock Device	Specified on court order
20	Medical Problems	Determined by 1340-1-13-.09, or 1340-1-4-.05, or T.C.A. §55-50-331(e)
28	Hearing Impairment	Whether or not hearing aid required
30	Active Military	Does not expire while in Military service and stationed outside Tennessee

Code: Commercial Motor Vehicle Restrictions

L	Vehicles Without Air Brakes
51	CMV - Intrastate Only
53	CMV - Intra-City Zone Only
54	CMV - Intrastate Only, Medical Limitation
55	Except Class A Bus
56	Except Class A and B Bus
57	Except Tractor Trailer

- (5) The Department may add other restriction codes as necessary.

Authority: T.C.A. §§55-10-412 and 55-50-331. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.21 REINSTATEMENT AFTER CANCELLATION, REVOCATION, OR SUSPENSION.

- (1) To reinstate driving privileges after suspension, revocation, or cancellation of one's driver license or instructional permit, persons need to:
- (a) Obtain clearance from the Department, confirming: eligibility to reapply; compliance with Financial Responsibility Law (when applicable); and payment of all reinstatement fines;
 - (b) Pass any required tests as specified in 1340-1-13-.15; and
 - (c) Pay fees set forth in 1340-1-13-.14.

(Rule 1340-1-13-.22, continued)

- (2) If cancellation of driving privileges was caused by an adult withdrawing responsibility for a minor's actions as provided for in 1340-1-13-.13, the minor shall obtain the Department's clearance prior to applying for a duplicate, renewal, or re-examination, along with payment of appropriate fees.

Authority: T.C.A. §§55-50-322, 55-50-405, and 55-50-502. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.

1340-1-13-.22 THIRD PARTY TESTING.

- (1) Third Party Commercial Driver License Companies - General Requirements
 - (a) Companies desiring authorization to administer third party commercial driver license (C.D.L.) skills tests may be certified by the State providing they file an application in compliance with Department procedure and meet the requirements addressed in this section. Individuals desirous of forming companies, corporations, partnerships, businesses etc. for the purpose of administering third party testing may be certified upon meeting requirements as specified herein for companies.
 - (b) Companies shall have an established business location, within the geographical boundaries of the State of Tennessee, at which third party skills testing can be administered. The established business location shall contain at least one permanent regularly occupied structure in which administrative and/or operational business is conducted. Companies shall be accessible by public telephone; shall have an established, permanent mailing address including a street address or route; and shall be operationally and environmentally safe, meeting all requirements of State Law and local ordinances.
 - (c) Companies shall be operators or users of commercial vehicles.
 - (d) Pursuant to 49 C.F.R. 383.75(a) (1993), the Department will not authorize companies with less than twenty five (25) full-time employees.
 - (e) Companies shall designate an employee or employees who will serve as Third Party C.D.L. Examiner(s), who shall meet all requirements set forth in paragraphs (2) and (3) of this section.
 - (f) Companies shall provide a safe and suitable testing area; shall designate an appropriate "on-road" driver testing route having a convenient access; and shall make available one or more vehicles which are representative of the type(s) of vehicle(s) to be used to conduct skills tests. The vehicle(s) will be utilized during training sessions conducted by the Department.
 - (g) Companies shall have the means and agree to establish and maintain accurate driver test records; and shall make all required records available during normal working hours for inspection by an authorized representative of the Department or the Federal Highway Administration (F.H.W.A.).
 - (h) Companies shall further agree to the following:
 1. To sign a written, contractual agreement with the Department of Safety. This contract will remain in effect for a period of one (1) year from the date of signing and/or certification unless canceled, suspended, revoked, or terminated.
 2. To permit the F.H.W.A. and the Department to conduct random examinations, inspections and/or audits without prior notice.

(Rule 1340-1-13-.22, continued)

3. To notify the Department in writing and within ten (10) days of:
 - (i) the termination, relocation, re-assignment, resignation, or change of address or employment of a Third Party C.D.L. Examiner.
 - (ii) the cessation of operation or the change of address of Third Party C.D.L. Company.
 4. To test individuals not employed by, or students of, the company only with the written approval of the Commissioner, or his or her designee. Test records for drivers tested under these arrangements shall include all items specified in subparagraphs (3)(c) and (3)(d), as well as records of any receipts and/or disbursements related to the third party testing of drivers.
 5. To charge a driver for the administration of skills tests no more than seventy-five dollars (\$75.00).
 6. To maintain bodily injury and property damage liability insurance on motor vehicles used in driving tests, insuring the liability of the testing program, the examiner and any person taking tests in the amounts required by state law
 7. To file evidence of such insurance coverage annually with the Department.
- (2) Third Party C.D.L. Examiner - General Requirements For Applicants
- (a) Applicants for Third Party C.D.L. Examiner certification must be a payroll employee of the company or business they represent; must be at least twenty-one (21) years of age; and must be at least a graduate of an accredited secondary school, possess a high school general education equivalency degree (G.E.D.), or have qualifying substitute experience. A "payroll employee" does not include any person who contracts with the company solely to perform third party tests.
 - (b) Applicants must possess a valid Tennessee commercial driver license with the classification and endorsements required for operation of any class or type of commercial motor vehicle used in the skills tests to be conducted by the C.D.L. Examiner.
 - (c) Applicants must present a copy of current medical card or certificate, if required, or proof of medical fitness as ascertained by a physical examination conducted within the previous six (6) months by a physician licensed to practice in the State of Tennessee.
 - (d) Applicants must provide to the Department all employment and driving records for the previous ten (10) years. Applicants must be willing to authorize a criminal background check to be conducted by the Department.
 - (e) Within the past ten (10) years, applicants must have no record of driving under the influence of alcohol or controlled substances conviction(s); of conviction(s) involving the possession, sale or use of a controlled substance; or of a felony conviction(s).
 - (f) Applicants must successfully complete the Department of Safety Commercial Driver Examiner Training Course, and must successfully complete all knowledge and skills test necessary for the examiner classification sought.
- (3) Third Party C.D.L. Examiner - Administrative Requirements

(Rule 1340-1-13-.22, continued)

- (a) Examiners shall conduct skills tests only for individuals having in their possession a valid driver license. Skills tests shall be conducted as required by 49 C.F.R. § 383.113 (1992), the laws of the State of Tennessee, and policies and procedures of the Department.
- (b) Examiners shall not administer their own skills tests, but shall be tested by a certified C.D.L. Examiner of the Department or by another Third Party C.D.L. Examiner approved by the Department for this purpose.
- (c) Examiners shall be responsible for their company's record keeping, correspondence and other transactions related to the third party testing operation; shall submit completed certification forms listing the name of the Driver, skills tests scores, date of certification, driver license number, and certification number; and by the 10th day of each month shall report to the Department, the number of drivers tested during the preceding month as well as any other statistical data as may be required.
 - 1. A report shall be submitted even if no tests were administered during the preceding month.
- (d) Examiners shall maintain a record of each driver for whom they conduct a skills test, whether or not the driver passes or fails, for a minimum of three (3) years. Each record shall include the following:
 - 1. Complete name and address of the driver.
 - 2. Driver's social security number, driver license number and name of the State or jurisdiction that issued the license held by the driver at the time of the test.
 - 3. Date driver completed the skills test.
 - 4. Test score sheets (copies) showing the results of the test.
 - 5. Name and certification (I.D.) number of Third Party C.D.L. Examiner conducting the skills test.
 - 6. Abstract of the driver's record at the time the skills test was administered or proper documentation that the Department has verified his or her driving record.
 - 7. Copy of the driver's medical certificate, if one was required, which was in effect at the time of examination.
 - 8. The make, model, and registration number of the commercial motor vehicle(s) used to conduct the, testing.
- (e) Examiners must attend retraining sessions conducted by the Department or as often as new laws and/or procedures require, or as deemed necessary by the Department.
- (f) Examiners shall comply with all laws and procedural requirements of the State of Tennessee as well as other policies and procedures, all of which regulate the administration of the Third Party C.D.L. Tester Program.

(Rule 1340-1-13-.22, continued)

- (g) Examiners, by submission of the certification forms as required in this section, certify that each driver has successfully completed each phase of the C.D.L. skills test as required by the federal regulations, laws of the State of Tennessee, and policies and procedures of the Department.
- (4) Third Party C.D.L. Testing - Certifications and Inspections
 - (a) Whether or not a company or Third Pam, C.D.L. Examiner is accepted for certification as a Third Party C.D.L. Tester shall be at the discretion of the Department.
 - (b) Certification extended to companies or examiners will be initially valid for a period of one (1) year from the date of issuance or until cancellation, suspension, or revocation by the Department.
 - (c) The Department will devise and assign a special certification (identification) number or code unique to each company who qualifies for certification as a Third Party C.D.L. Company, and for each individual who qualifies for certification as a Third Party C.D.L. Examiner.
 - (d) The Department and/or F.H.W.A. will conduct periodic, on-site inspections of C.D.L. Third Party Testing Programs and facilities.
 - 1. Third party testers can reasonably expect a thorough initial inspection and a minimum of one (1) inspection per year thereafter.
 - 2. Prompt action including but not limited to cancellation, suspension, revocation, or termination of contract will be taken against any third party C.D.L. tester who is found to be in a condition of noncompliance with State or Federal standards or other terms of the third party agreement.
 - (e) As a part of the inspection and regulatory process the Department may select drivers at random and require them to re-demonstrate their skills and proficiency in driving commercial vehicles for which they are licensed.
 - 1. The number of drivers re-tested annually may range from ten (10) to twenty (20) percent of drivers tested by the C.D.L. Third Party Examiner during the audit period.
- (5) Third Party C.D.L. Testing - Cancellation/Suspension/Revocation/Denial/RehiW to Renew
 - (a) The Department reserves the right to cancel the Third Party C.D.L. Tester Program, in whole or in part.
 - (b) The Department may cancel, suspend, revoke, refuse to issue or refuse to renew the certification of Third Party C.D.L. Company or a Third Party C.D.L. Examiner if:
 - 1. The applicant or holder of any certification fails to comply with the provisions of the rules and regulations of the Department, Department instructions, Third Party C.D.L. Tester agreement or any associated federal or state statutes;
 - 2. The applicant or holder of any certification has made any false or misleading statements or concealed a material fact in connection with the application, required records or reports, or other required information relating to the Third Party C.D.L. Testing Program;

(Rule 1340-1-13-.22, continued)

3. A Third Party C.D.L. Examiner leaves the company, fails to administer a skills test within a six (6) month period, or fails to attend an updated training session required by the Department,
 - (i) After leaving a Third Party C.D.L. Company, a Third Party C.D.L. Examiner may be recertified if employed by another Third Party C.D.L. Company by submitting proper application to the Department.
 - (ii) After failing to administer a skills test within a six (6) month period or after failing to attend an updated training session required by the Department, an Examiner may be recertified by demonstrating skills and knowledge required to gain the original or updated certification.
 4. A Third Party C.D.L. Examiner fails to submit or maintain required reports;
 5. A Third Party C.D.L. Examiner fails to conduct C.D.L. skills test as required by 49 C.F.R. § 383 (1992), by the laws of the State of Tennessee, or by policies and procedures of the Department.
 6. A company fails to maintain appropriate insurance coverage;
 7. A Third Party C.D.L. Examiner's driving privilege is canceled, suspended or revoked in this or any other state;
 - (i) If driving privilege is reinstated, certification may also be reinstated at the discretion of the Department.
 8. The holder of any certification commits any act which compromises the integrity of the Third Party Program, including but not limited to advertising which implies, suggests or gives the impression that the Company or Third Party C.D.L. Examiner is an employee of, or endorsed by, the Department. or that a C.D.L. is guaranteed to those utilizing their services-,
 9. Alcoholic beverages or controlled substances are consumed or stored on premises or in company vehicles unless such items are included in the manifest,
 10. A Third Party C.D.L. Examiner must adhere to the same standards as a state-employed examiner, pursuant to 49 C.F.R. 383.75(a)(2)(iii) (1993).
- (c) The Department shall notify the certification holder, by registered mail, return receipt requested, of the proposed cancellation, suspension, revocation, denial, or refusal to renew, and of the grounds for such proposed action.
1. Third Party Testers who receive notice of the proposed cancellation, suspension, revocation, denial or refusal to renew shall have ten (10) working days to send a written petition to the Department showing why the proposed action should not occur. Upon receipt of this petition, the Department shall afford the certification holder a hearing before a hearing officer. Before setting such a hearing, the Department may request additional information if needed.
 2. The Department may exercise its option to postpone cancellation, suspension, revocation, or refusal to renew certification providing the company can present satisfactory assurance that existing deficiencies can be corrected within a reasonable

(Rule 1340-1-13-.22, continued)

amount of time. The Department may also reinstate certification of a Third Party C.D.L. Company or Examiner pending satisfactory resolution of concerns.

- (d) Return of certification(s) which have been canceled, suspended, revoked, or denied renewal.
 - 1. The holder of any certification which has been canceled, suspended, revoked, or denied renewal must return said certificates and related controlled documents to the Department within five (5) days of the date of notification of the action.
 - (e) The revocation of any certification shall be for a period of time to be determined by the Commissioner or his or -her designee, but in no event shall the period be less than one (1) year.
 - (f) The suspension of any certification shall be for a period of time to be determined by the Commissioner or his or her designee, but in no event shall the period be less than ninety (90) days or greater than one (1) year.
 - (g) Any Third Party C.D.L. Company or Examiner whose certification is canceled, suspended, revoked, or denied issuance or renewal may appeal the decision of the hearing officer in writing to the Commissioner within ten (10) working days of receipt of the notice of the action. The Commissioner shall consider such an appeal pursuant to the Uniform Administrative Procedures Act, T.C.A. § 4-5-101 *et seq.*
- (6) Cooperative Driver Testing Program - Class D Third Party Testing
- (a) The “Cooperative Driver Testing Program” (C.D.T.P.) is a program offered to the following entities with driver education and training courses for Class D vehicles: public school systems, public institutions of higher learning, and commercial driver training schools operating under 1340-1-6. Collectively, these entities are referred to here as eligible or authorized agencies.
 - (b) The driver education and training course shall include both a classroom and a behind-the-wheel component, and shall satisfy the minimum standards set forth in 0520-1-3-.05 (6)(e) and in the Driver Traffic Safety Education curriculum framework approved by Tennessee’s State Board of Education.
 - (c) Students actively enrolled in these classes who meet the testing standards defined below shall be exempted from the knowledge and/or driving tests required for a Class D license and from the knowledge test required for a Class PD learner permit.
 - (d) Eligible agencies desiring authorization to participate in the C.D.T.P. may be approved by the Department providing they meet the requirements set forth in paragraph (8) of this section. Individual driver education instructors need to apply through their eligible or authorized agency.
- (7) C.D.T.P. Testing Standards and Administration
- (a) Students shall be exempt from the Class D knowledge test administered by the Department if they answer correctly eighty percent (80%) of the questions contained in a standard knowledge test developed by the Department and administered through the C.D.T.P. in a supervised setting, with the instructor present. Oral versions of the test are prohibited. The knowledge test must contain one fourth (1/4) of the questions concerning drugs and alcohol and may only be administered after the student has completed the classroom component of the course.

(Rule 1340-1-13-.22, continued)

- (b) Students shall be exempt from the Class D driving test administered by the Department if they demonstrate an ability to drive safely at a level considered by the instructor as acceptable for licensing. The basis for determining acceptable driving ability shall include, but not be limited to, an assessment of the student's driving competence with respect to skills, judgment, and perception. The driving test must meet minimum standards set forth by the Department in related C.D.T.P. policies and procedures issued to participating agencies and may be given only at the conclusion of the course, after the student has completed both the classroom and driving portions of the course.
 - (c) Test scores shall be valid for ninety (90) days from the date of the Third Party Driver Examiner test certification form.
 - (d) Tests administered through the C.D.T.P. shall be given only to students actively enrolled in the Driver Education courses described in the agency's application to participate.
- (8) C.D.T.P. Requirements for Eligible Agencies.
 - (a) To participate, an eligible agency must submit an application to the Driver License Issuance Division, Tennessee Department of Safety. The application shall describe the driver education courses offered, and include a compliance affidavit for each participating driver education instructor. The application shall be submitted once per school year.
 - (b) In the event a participating driver education instructor resigns or transfers employment, the authorized agency must notify the Department within thirty (30) days of such change.
 - (c) Authorized agencies must permit the Department to conduct random examinations, inspections and/or audits without prior notice.
- (9) C.D.T.P. Requirements for Individual Driver Education Instructors.
 - (a) Participating driver education instructors shall submit to the Department a signed affidavit which shows that the instructor:
 - 1. is currently employed by the agency;
 - 2. is certified and registered by the Department of Education or licensed by the Department as a driver instructor;
 - 3. holds a valid driver license; and
 - 4. agrees to follow procedures for the C.D.T.P. Program established by the Department pursuant to these rules.
 - (b) Individual driver education instructors must maintain accurate driver test records for all students who have been administered a test, whether or not they meet the waiver standards. Each record shall be maintained for one (1) calendar year, and shall include:
 - 1. complete name, address and social security number of each student; and
 - 2. the results of each test, along with the name and certification identification number of the instructor conducting the tests.

(Rule 1340-1-13-.22, continued)

- (c) The instructor shall periodically submit to the Department a summary of results for all students tested on a form provided by the Department.
- (10) Requirements for Participating C.D.T.P. Students.
- (a) To obtain exemption from Class D knowledge and/or driving tests administered by the Department, students enrolled in C.D.T.P. shall present a properly executed Third Party Driver Examiner Testing Certification form to the Department at any Driver License Testing Station within ninety (90) days of completing the driver education and training course.
 - (b) The Department shall spot check a random sample of the exempted driver population, and may administer either the knowledge or the driving test to any student so selected.
 - (c) All other standard driver qualifications must be satisfied before the license may be issued, including age, parental affidavits of financial responsibility, driving history, vision, compulsory school attendance, and other such requirements as set forth by law.
- (11) C.D.T.P. Inspections, Cancellations/ Suspensions/Revocations/Denials/Refusals to Renew
- (a) The Department reserves the right to cancel the C.D.T.P., in whole or in part.
 - (b) Certification of participation in the C.D.T.P. shall be valid for one (1) school year. C.D.T.P. certification of individual driver education instructors shall be valid for the period of time authorized for the participating agency.
 - (c) The Department will devise and assign a special C.D.T.P. certification identification number or code unique to each individual driver education instructor who qualifies to participate.
 - (d) The Department may conduct periodic, on-site inspections of C.D.T.P. facilities and instructors. As part of the inspection and regulatory process the Department may select drivers at random and require them to redemonstrate their skills and/or knowledge proficiency in driving Class D vehicles.
 - (e) The Department may cancel, suspend, revoke, refuse to issue, or refuse to renew the certification of a C.D.T.P. agency or instructor on grounds including but not limited to the following:
 - 1. instructor's resigning from employment with the authorized agency
 - 2. failure to submit or maintain required reports;
 - 3. failure to comply with or satisfy any of the Provisions of these requirements or Department of Safety instructions;
 - 4. cancellation, suspension or revocation of the driving privilege for a C.D.T.P. instructor in this or any other state.
 - (i) If driving privilege is reinstated the Department, C.D.T.P. certification may also be reinstated at the discretion of the Department.
 - 5. falsification of any records or other required information relating to the C.D.T.P., and

(Rule 1340-1-13-.22, continued)

6. commission of any act which compromises the integrity of the C.D.T.P., including but not limited to advertising which implies, suggests or gives the impression that the agency or driver education instructor is an employee of, or endorsed by, the Department, or that a license is guaranteed to those utilizing their services.
- (f) The Department shall notify the certification holder, by registered mail, return receipt requested, of the proposed cancellation, suspension, revocation, denial, or refusal to renew, and of the grounds for such proposed action.
1. D.T.P. agencies or instructors who receive notice of the proposed cancellation, suspension, revocation, denial, or refusal to renew shall have ten (10) working days to send a written petition to the Department showing why the proposed action should not occur. Upon receipt of this petition, the Department shall afford the certification holder a hearing before a hearing officer. Before setting such a hearing, the Department may request additional information if needed.
 2. The Department may exercise its option to postpone cancellation, suspension, revocation, or refusal to renew certification providing the agency or instructor presents satisfactory assurance that existing deficiencies can be corrected within a reasonable amount of time. The Department may also reinstate certification of a C.D.T.P. agency or instructor pending satisfactory resolution of concerns.
- (g) Return of certification(s) which have been canceled, suspended, revoked or refused renewal.
1. The holder of any certification which has been canceled, suspended revoked or refused renewal must return said certificates and related controlled documents to the Department within five (5) days of the date of notification of the action.
- (h) The revocation of any certification shall be for a period of time to be determined by the Commissioner or his or her designee, but in no event shall the period be less than one (1) year.
- (i) The suspension of any certification shall be for a period of time to be determined by the Commissioner or his or her designee, but in no event shall the period be less than ninety (90) days or greater than one (1) year.
- (j) Any C.D.T.P. agency or instructor whose certification is canceled, suspended, revoked, denied, or refused renewal may appeal the decision of the hearing officer in writing to the Commissioner within ten (10) working days of receipt of the notice of the action. The Commissioner shall consider such an appeal pursuant to the Uniform Administrative Procedures Act, *T CA. §4-5-101 et seq.*

Authority: *T.C.A. §§4-5-101 et seq., 55-50-322, 55-50-323, and 49 C.F.R. §383 (1992).* **Administrative History:** *Original rule filed April 8, 1996; effective August 28, 1996.*

1340-1-13-.23 ADOPTION OF DEPARTMENT OF TRANSPORTATION SAFETY RULES AND REGULATIONS.

- (1) The Tennessee Department of Safety, Division of Driver License Issuance hereby adopts the federal motor carrier safety regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the United States Department of Transportation contained in Title 49 of the C.F.R. §§ 383 (1992), 386 (1991), 390 (1989), and 391 (1989).

(Rule 1340-1-13-.22, continued)

Authority: T.C.A. §§55-50-202, and 55-50-410. **Administrative History:** Original rule filed April 8, 1996; effective August 28, 1996.